



# MULTNOMAH LAWYER

February 2017  
Volume 63, Number 2



## Thank You for Being an MBA Member

by Guy Walden  
Executive Director

Thank you for supporting your local legal community by being a member of the MBA in 2017. An organization like ours can only succeed by having a broad community of engaged

members. For the MBA, the whole is truly more valuable than the sum of its many parts. This is true whether the organization is working to inspire trust and pride in the profession, to provide members with access to services or let our members' voices be heard with respect to public policy matters. The MBA's support of charitable causes, including the Multnomah Bar Foundation (MBF) Civic Education Fund and CourtCare, depends not only on the generous financial contributions of its members, but also on the countless hours of volunteer time they contribute. On behalf of the MBA leadership and staff, we are sincerely grateful.

As MBA President Tom Sand described in last month's *Multnomah Lawyer*, in Portland we like to say that things are different here. The pride we have in our community extends to the local legal profession. Ours is a legal community that gets involved. MBA members have a right to be proud of their participation; as of this writing, hundreds of members are directly involved in a volunteer capacity with the MBA, YLS or the MBF, or have supported one of our many causes with time, money or both. The commitment that Oregon attorneys show to their profession is exceptional. It really is different here, and in order for us to maintain that culture of community, we rely on a strong membership that is involved in the organization.

As a member-led organization, the MBA does not often take positions on public policy matters unless it can represent the interests of the majority of its members. While members may have different opinions on what the legal community would like to see in a new courthouse, most members agree that we do need a new one, not just for our membership, but for the people of Multnomah County and the State of Oregon. The MBA rarely takes a position on ballot measures, but on occasion there have been proposed measures that threaten the independence of the judiciary. Membership surveys over the years have indicated that the membership overwhelmingly supports our taking a position against such efforts. Our ability to have a powerful voice, whether communicating with the state legislature, county commission or any other public body, depends on our having a critical mass of members.

The very active membership of the MBA helps to lend credibility to the profession at a time when some are questioning the impartiality of "the system," including the justice system. Through the work of the Multnomah Bar Foundation, our members are educating the public about the role of the justice system and restoring trust that has been eroded after years of local and national political infighting. In addition to educating our citizenry about civics and the role of the justice system, the MBA has also focused a great deal of effort

**The commitment that Oregon attorneys show to their profession is exceptional.**

on diversity, in part because trust in our justice system depends on a legal community that is representative of the community it serves.

As a full service bar organization, the MBA is also focused on making sure its members get their membership dues' worth, and as a voluntary bar the MBA does all it can to keep annual dues at a reasonable level. At \$140 annually, MBA dues are among the least expensive in the country for a voluntary bar of our size and scope. Membership dues represent approximately 50% of the MBA's budget; much of the rest comes from the CLE program and through member service and discount programs including LawPay merchant credit card services, the MBA health plan, Naegeli Deposition and Trial and similar partnerships. We are able to keep our CLE registration fees low because approximately 1,000 members a year attend at least one CLE class. We are able to offer our members discounts on business services because businesses want to reach our 4,000 members.

Everything the MBA does depends on a large and engaged membership. A sincere thank you to those who have supported the organization. The MBA will continue to operate in the same way as it has for many years; with a small staff, with a balanced budget and a heavy reliance on members to inspire and implement programming and services with assistance from the staff. At the same time, we are always looking for new ideas and new faces. If you have an idea for a member service or a project that the MBA or MBF should take on, please call me at any time. If you would like to volunteer for a committee or other volunteer activity let us know; we look for volunteers in the spring but can often place them mid-year. If you want to volunteer but don't have time to serve on a committee, we are always looking for new and energetic CLE speakers and authors for newsletter articles.

The MBA serves as a model for how success happens through teamwork. I look forward to working with the MBA membership to continue our important work in 2017 and beyond.

**...our members are educating the public about the role of the justice system and restoring trust that has been eroded....**

## MBA 15th Annual WinterSmash

A Family Friendly Bowling Event

Saturday, February 4  
5-8 p.m.  
AMF Pro 300 Lanes  
3031 SE Powell Blvd

A fundraiser for Multnomah CourtCare



Thank you to the WinterSmash sponsors

### King Pin Sponsor



### Life of the Party Sponsors

Mike & Keri Bloom • Buchanan Angeli Altschul & Sullivan LLP • Gearing Rackner & McGrath LLP • Stephen Houze - Attorney • Markowitz Herbold PC • Multnomah Law Library • Smith Freed Eberhard, PC

### Really Fun Sponsors

Lori E. Deveny • Hart Wagner LLP • Lissa Kaufman Law • Littler Mendelson • Miller Nash Graham & Dunn LLP • Paulson Coletti • PLF Excess Program • Yates Family Law PC

### Fun Sponsors

Aldrich Benefits, LP • Aon Hewitt • Barran Liebman LLP • Chernoff Vilhauer, LLP • Cosgrave Vergeer Kester LLP • Davis Wright Tremaine LLP • Farleigh Wada Witt • Folawn Alterman & Richardson LLP • Hodgkinson Street Mephram LLC • Conrad G. Hutterli, Attorney at Law • NALS of Portland (Oregon) • Vangelisti Law Firm LLC • Williams Kastner Greene & Markley

Register at [www.mbabar.org](http://www.mbabar.org).

MULTNOMAH BAR ASSOCIATION  
620 SW FIFTH AVE., SUITE 1220  
PORTLAND, OREGON 97204

PRSR STD  
U.S. POSTAGE  
PAID  
PORTLAND, OR  
PERMIT NO. 00082

## mbarCLE

To register for a CLE, please see below or go to [www.mbabar.org](http://www.mbabar.org) and log in as a member to register at the member rate.

### FEBRUARY

**2.7 Tuesday**  
**Managing Risk and Reputation: The Value of Building Strong Legal and Public Affairs Partnerships**  
Elisa Dozono  
Anna Richter Taylor

**2.16 Thursday**  
**Post Judgment Collections: What Can You Do When the Judgment Debtor Won't Pay?**  
Tim Leader  
Margot D. Seitz  
Daniel Steinberg

**2.22 Wednesday**  
**Employment Law Update**  
Megan Crowhurst  
David Riewald

**2.23 Thursday**  
**Multnomah County Criminal Law**  
Judge Ed Jones

### MARCH

**3.2 Thursday**  
**Presiding Court Update**  
Judge Nan Waller

**3.9 Thursday**  
**Great Lawyer, Bad Manager: The Top 10 Things Lawyers and Law Firms Should Know as Employers**  
Dan Rowan

**3.15 Wednesday**  
**Family Law Update**  
Judge Maureen McKnight  
Thomas Bittner  
Sarah Bond

**3.16 Thursday**  
**Filing Claims against Contractors for Residential Construction Defects**  
Martha Hodgkinson  
Adele Ridenour

### In This Issue

Calendar.....	2
MBF.....	2, 9
CLE Schedule.....	3
Announcements.....	4
Around the Bar.....	6
Ethics Focus.....	7
News from the Courthouse.....	8
Tips from the Bench.....	8
Profile: Judge Leslie Bottomly.....	9
YLS.....	10
The Corner Office.....	12
Pro Bono Volunteers.....	12
Classifieds.....	13

Multnomah Bar Association  
620 SW 5th Ave Suite 1220  
Portland, Oregon 97204  
503.222.3275  
Fax 503.243.1881  
[www.mbabar.org](http://www.mbabar.org)

## MBA Board of Directors

### President

Thomas C. Sand

### President-Elect & Treasurer

Andrew M. Schpak

### Secretary

Amber A. Hollister

### Past President

C. Robert Steringer

## Directors

Tyler J. Volm  
*YLS President*

C. Lane Borg

W. Todd Cleek

Rima I. Ghandour

Lissa K. Kaufman

Steve D. Larson

Sarah Radcliffe

Krista Shipsey

Marshal P. Spector

Ulanda L. Watkins

Elizabeth E. Welch

### Executive Director

Guy Walden

### Director, Events & Programs

Kathy Modie

### Office & Foundation Administrator

Pamela Hubbs

### Member Services Administrator

Ryan Mosier

### Office Administrator

Shannon West

## MBF Board of Directors

### President

Dana S. Scheele

### Vice President

J. Matthew Donohue

### Secretary/Treasurer

Nicholas A. Kampars

### Past President

Amy L. Angel

## Directors

Hon. Cheryl A. Albrecht

Tyler E. Anderson

Sarah H. Bond

Holly L. Johnston

Susan D. Marmaduke

Mary Jo N. Miller

Timothy J. Resch

Julie R. Vacura

Jennifer A. Wagner

The *MULTNOMAH LAWYER* is published 11 times per year by the Multnomah Bar Association, 620 SW Fifth Ave. Ste. 1220, Portland, OR 97204 503.222.3275

Advertising is accepted; advertisers(ments) are not necessarily endorsed by the MBA. The editor reserves the right to reject any advertisement.

DEADLINE for copy: The 10th of the month\*

DEADLINE for ads: The 12th of the month\*

\*or the preceding Friday, if on a weekend.

### NEWSLETTER STAFF CONTACTS

Editor: Guy Walden

Advertising: Ryan Mosier

Design: Cyrano Marketing Solutions

Copyright Multnomah Bar Association 2017

## MBF Campaign Raises Over \$55,000 for Civic Education

With the generous support of law firms and lawyers, the MBF raised \$55,400 in 2016 for the MBF Civic Education Fund. Through the fund, grants are awarded annually to local nonprofit programs that promote civic engagement, understanding of the rule of law or the political process, and the importance of voting and juries.

To learn more, visit [www.mbabar.org/foundation/grants.html](http://www.mbabar.org/foundation/grants.html) or contact Pamela Hubbs (503.222.3275, [pamela@mbabar.org](mailto:pamela@mbabar.org)).

### Thank you, 2016 Donors

#### PATRON \$5,000

Mitra Law Group  
Multnomah Bar Association

#### FRIEND \$2,500 - \$4,999

Barran Liebman LLP  
Davis Wright Tremaine LLP  
Dunn Carney Allen Higgins & Tongue LLP  
Harrang Long Gary Rudnick P.C.

#### SUPPORTER \$1,000 - \$2,499

Buchanan Angeli Altschul & Sullivan LLP  
J. Matthew Donohue  
Edwin A. Harnden  
Lisa A. Kaner  
Kivel & Howard LLP  
Lane Powell PC  
Larkins Vacura Kayser LLP  
Markowitz Herbold PC  
Rizzo Mattingly Bosworth PC  
Samuels Yoelin Kantor LLP  
Stoel Rives LLP  
Nancy S. and Charles S. Tauman



#### DONOR \$500 - \$999

Thomas W. Brown  
Christopher T. Carson  
Sarah J. Crooks  
Davis Wright Tremaine LLP *In Honor of Hon. Eric L. Dahlin*  
Scott T. Downing  
Folawn Alterman & Richardson LLP  
Peter H. Glade  
Allyson S. Krueger  
Susan D. Marmaduke  
Multnomah Bar Foundation Board of Directors and Staff *In Honor of Bonnie Richardson*  
Bonnie Richardson  
Thomas C. Sand  
Stoll Berne PC  
Robert C. Weaver Jr.

#### FAN \$100 - \$499

Amy L. and Patrick D. Angel  
E. Clarke Balcom  
Ball Janik LLP  
Sarah H. Bond  
Lane Borg  
Chenoweth Law Group PC  
Kyle S. Clark  
W. Todd Cleek  
Corrigan ADR  
Hon. Eric L. Dahlin

*continued on page 16*



## Forgotten Anything?

The MBA would like to remind those who have yet to renew their membership for 2017 to do so soon to continue to enjoy the benefits of membership.

Visit [www.mbabar.org](http://www.mbabar.org) to renew today.



# Calendar

## FEBRUARY

4 Saturday  
WinterSmash

10 Friday  
March *Multnomah Lawyer* deadline

11 Saturday  
Lewis & Clark PILP Auction

17 Friday  
OHBA Annual Dinner

18 Saturday  
YLS Community Service Day  
See p. 12

20 Monday  
Presidents Day Holiday

25 Saturday  
YLS Social at Children's Museum  
See p. 12

28 Tuesday  
Oregon Filipino American Lawyers Association Launch Event

## MARCH

8 Wednesday  
Solo & Small Firm Workshop: Having a Vision  
See p. 13

10 Friday  
April *Multnomah Lawyer* deadline

OWLS Roberts Deiz Awards Dinner

## APRIL

10 Monday  
May *Multnomah Lawyer* deadline

## The Solo & Small Firm Committee presents THE BUSINESS OF PRACTICING LAW

Wednesday, March 8

Workshop: 3-4pm

Social hour: 4-5pm

Hotel Monaco, 506 SW Washington, Portland

While the practice of law is a profession, every law practice is also a business. Having a vision for your firm and creating a business plan tailored to that vision will provide helpful insight into your own values and priorities, and how to grow and sustain your law practice.

The MBA Solo and Small Firm Committee is pleased to present this afternoon workshop where **Courtney Angeli**, **Andrew Altschul**, both of Buchanan Angeli Altschul & Sullivan, and **Chris Kayer**, of Larkins Vacura Kayser, will discuss these issues and various approaches that firms have taken. You will hear about specific strategies for specific goals, what is realistic, whether a business plan is even necessary for some practices and how plans can be implemented. Following the workshop, join us for networking and socializing, light hors d'oeuvres and drinks.

The MBA will apply for one hour of personal management CLE credit.

Cost: \$20 members/\$60 non-member

**maryosborn.com**  
Long Term Care Insurance Specialist

Happy New Year!  
Learn about traditional and asset-based long term care plans for MBA members

Mary Osborn, CLTC

Call 503-998-5902 or email [mary@maryosborn.com](mailto:mary@maryosborn.com) for more information





The MBA will apply for 2 hours of general OSB MCLE credits unless otherwise noted; 2 Washington credits may be obtained independently. Registrants who miss the seminar may request the written materials. Substitutions are welcome. Registration fees are non-refundable.

Unless otherwise noted, all classes are held at the World Trade Center, 26 SW Salmon, Portland.

### Managing Risk & Reputation: The Value of Building Strong Legal and Public Affairs Partnerships

Tuesday, February 7, 2017 - 12:00-1:00 p.m.

World Trade Center, Mezzanine

Members \$30/Non-Members \$50

*Note: One hour of general OSB MCLE credit will be applied for.*

Learn how aligning public relations strategy with legal strategy is becoming more important in this era of digital journalism, social media, public advocacy and accountability. Join **Anna Richter Taylor** of ART Public Affairs, and **Elisa Dozono** of Miller Nash Graham & Dunn for a discussion on helping organizations manage and control the public perception in crisis situations - from environmental risk, reputation damage, personnel issues or public safety threats.

**For more information:** Contact Cody Elliott, Miller Nash Graham & Dunn at 503.205.2465. For registration questions, contact the MBA at 503.222.3275.

### Post Judgment Collections: What Can You Do When the Judgment Debtor Won't Pay?

Thursday, February 16, 2017 - 3:00-5:00 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

This seminar will review post judgment collection methods available in Oregon, including execution, garnishment, supplemental proceedings (debtor examinations) and other techniques to help you collect your client's judgment. The seminar will also address the impact of bankruptcy on the collection process and will touch on proofs of claim, lien avoidance and stripping, and exemptions and related issues. The speakers will field questions related to representing the judgment creditor. Bring your problem cases!

**Daniel Steinberg** is a partner at Greene & Markley, P.C., and concentrates his practice in commercial litigation, creditors' rights, and bankruptcy. **Margot D. Seitz** is an associate at Farleigh Wada Witt and concentrates her practice in debtor-creditor and insolvency matters, business dissolutions, real estate disputes, commercial collections, and estate administration. **Tim Leader** is the Civil Manager aka "Chief Civil Deputy" for the Washington County Sheriff's Office.

**For more information:** Contact Jovanna Patrick, Hollander, Lebenbaum & Gannicott at 503.222.2408. For registration questions, contact the MBA at 503.222.3275.

### Employment Law Update

Wednesday, February 22, 2017 - 3:00-5:00 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Change seems to be the only constant in the labor and employment law world. The last year was marked by many new statutes, regulations, ordinances and cases that impact employees, employers and unions in the workplace. Come to this presentation to learn about the most significant of these developments. The presenters at this class will be **Dave Riewald** and **Megan Crowhurst** of Bullard Law.

**For more information:** Contact Liani Reeves, Bullard Law at 503.248.1134. For registration questions, contact the MBA at 503.222.3275.

### Multnomah County Criminal Law

Thursday, February 23, 2017 - 3:00-5:00 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Criminal practice in Multnomah County can be complex, with different types of cases having their own associated dockets, programs, resolution options, and procedural pathways. Multnomah County's chief criminal judge, **Judge Ed Jones**, has put together an outstanding panel to help practitioners learn everything they need to know about practicing in the county. The discussion will cover all types of criminal cases and will include, along with Judge Jones, sub-panels of experienced Multnomah County criminal defense practitioners discussing misdemeanor, felony, and domestic violence cases.

**For more information:** Contact Kevin Sali, Kevin Sali LLC at 503.329.3598. For registration questions, contact the MBA at 503.222.3275.

### Presiding Court Update

Thursday, March 2, 2017 - 3:00-5:00 p.m.

World Trade Center, Auditorium

Members \$60/Non-Members \$95

In this session, Multnomah County **Presiding Judge Nan Waller**, the chief judges and court staff will present on the state of the court, review new Supplemental Local Rules, provide tips on issues unique to practicing in Multnomah County and preview the updated Attorney Reference Manual. Judge Waller will also give an update on the new courthouse, which is slated to open in 2020.

This seminar is designed for attorneys at all levels of experience and questions are strongly encouraged.

**For more information:** Contact Judge Kelly Skye, Multnomah County Circuit Court at 503.988.3204. For registration questions, contact the MBA at 503.222.3275.

### Great Lawyer, Bad Manager: Avoiding the Most Common Mistakes Lawyers and Law Firms Make as Employers

Thursday, March 9, 2017 - 3:00-5:00 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

**Dan Rowan**, an attorney at Bullard Law, will discuss the most common mistakes lawyers make as employers and provide practical guidance on how to avoid them. Topics will include separation agreements, use of social media, final paychecks, access to personnel files, retaliation, and over a dozen others issues that can become traps for the unwary employer. Throughout the presentation, Dan will include examples of how these issues play out in the real world to supplement concise summaries of the substantive law. The presentation will conclude with takeaways and questions as time permits. Dan will draw upon the firm's experience representing employers including representing law firms and fellow members of the bar.

**For more information:** Contact Liani Reeves, Bullard Law at 503.248.1134. For registration questions, contact the MBA at 503.222.3275.

### Family Law Update

Wednesday, March 15, 2017 - 3:00-5:00 p.m.

World Trade Center, Auditorium

Members \$60/Non-Members \$95

On March 15, the MBA will hold its annual two-hour Family Law Update. Multnomah County Chief Family Court **Judge Maureen McKnight** will be joined by **Thomas Bittner** of Schulte, Anderson, Downes, Aronson & Bittner; and **Sarah Bond** of Zimmer, Bond, Fay & Overlund.

Our speakers will provide family law practitioners with information on changes, updates, and reminders regarding Multnomah County Family Court procedures and practices, as well as valuable updates on appellate case law, including the most recent spousal support cases.

**For more information:** Contact Terry Wright, Willamette College of Law Director of Externships at 503.375.5431. For registration questions, contact the MBA at 503.222.3275.

### Filing Claims Against Contractors for Residential Construction Defects: What Lawyers Need to Know from a Plaintiff and Defense Perspective

Thursday, March 16, 2017 - 3:00-5:00 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Make sure you know the requirements for both filing and defending claims against residential construction contractors and learn what it takes to build/defend your case. We are pleased to announce that **Adele Ridenour**, Ball Janik and **Martha Hodgkinson**, Hodgkinson Street Mephram will present this class.

**For more information:** Contact Bridget Donegan, Larkins Vacura Kayser at 503.542.3107. For registration questions, contact the MBA at 503.222.3275.

### Taking Some Sticks from the Property Rights Bundle: Adverse Possession, Prescriptive Easements, and Other Real Property Encumbrances

Wednesday, April 12, 2017 - 3:00-5:00 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Litigator **Laurie Hager**, a partner in Sussman Shank LLP's Real Estate and Construction practice groups, will discuss Oregon law on hidden encumbrances that may impact real property rights. This presentation will focus on the rules, historical developments, and recent case law on adverse possession and prescriptive easements. This class is a must-attend for transactional and litigation attorneys who represent developers or whose practices involve real property issues.

**For more information:** Contact Kristen Hilton, Sussman Shank at 503.243.1654. For registration questions, contact the MBA at 503.222.3275.

To register for these classes, see page 4.

# mba | ANNOUNCEMENTS

**Free CLE Webcast to MBA Members**

The video webcast of the seminar “Insurance Coverage for Small Businesses” is available in the Members Center at [www.mbabar.org](http://www.mbabar.org). The webcast is approved for two hours of General OSB MCLE credit.

MBA members receive access to a rotating selection of six different CLE seminars each year - a \$360 value.

**Take a Matter that Matters**

Sign the MBA Pro Bono pledge at [www.mbabar.org/about-us/pro-bono.html](http://www.mbabar.org/about-us/pro-bono.html) and commit to taking at least one pro bono case this year.

**Statement of Diversity Principles Available to Sign**

The MBA Equality & Diversity Committee invites you to sign the Statement of Diversity Principles. Read and sign the diversity statement and pledge at [www.mbabar.org/about-us/diversity.html](http://www.mbabar.org/about-us/diversity.html).

**Noon Time Rides**

Short fast rides with hills. Meet at SW corner of Pioneer Courthouse Square (Yamhill & Broadway) between noon and 12:10 p.m., Monday and Thursday. Contact: Ray Thomas 503.228.5222 with questions, or meet at start.

## CORRIGAN ADR

MEDIATION | ARBITRATION

---

Exclusively Alternative Dispute Resolution

**Chuck Corrigan** 503.241.0677  
1000 SW Broadway, Portland  
[www.corriganadr.com](http://www.corriganadr.com)



## MBA & YLS Board Elections

The MBA bylaws provide for nominations for MBA and YLS Board positions from the membership at large. YLS members may self-nominate for the YLS Board, and MBA members for the MBA Board. MBA and YLS Board nominating petitions must be endorsed by the nominee and at least 10 other MBA or YLS members, respectively. Petitions must be received by 5 p.m. on Friday, February 24. New MBA and YLS Board members will be announced at the MBA Annual Meeting on Tuesday, May 16.



## Big discounts to groups like yours

- From furniture to cleaning and breakroom to top brand technology, we're the single source for all your business needs
- Aggressive pricing on black & white copies, color copies and finishing services

**For more information:**  
Contact: Douglas Thrush  
 Phone: (888) 265-9144 ext. 16095  
 Email: douglas.thrush@officedepot.com



The Office Depot name and logo are the registered trademarks of The Office Club, Inc. © 2015 Office Depot, Inc. All Rights Reserved.

*Photocopy, complete and mail or fax the registration form with payment to the MBA to reserve your space. Self-study materials from past CLE classes may be downloaded at [www.mbabar.org](http://www.mbabar.org).*

## CLE Registration Form

NAME	ACCOUNT NUMBER
FIRM	EXPIRATION DATE AND SECURITY CODE
ADDRESS	SIGNATURE
CITY STATE ZIP	BILLING ADDRESS FOR CARD (if different)
PHONE	
OSB#	

**Member Status:**

MBA Member

Non-Member

**Payment Options:**

Check    VISA    MasterCard

American Express

**Seminar Selection:**  
*Please select the seminar(s) you wish to attend. Written materials for each class are included with registration. Pre-registration with payment is required to reserve a space; at-the-door registrations are accepted if space is available.*

**2/7 Managing Risk and Reputation**  
 Class Registration (\$30 Members/\$50 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$30 Members/\$50 Non) ..\$ \_\_\_\_\_

**2/16 Post Judgment Collections**  
 Class Registration (\$60 Members/\$95 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ \_\_\_\_\_

**2/22 Employment Law Update**  
 Class Registration (\$60 Members/\$95 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ \_\_\_\_\_

**2/23 Multnomah County Criminal Law**  
 Class Registration (\$60 Members/\$95 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ \_\_\_\_\_

**3/2 Presiding Court Update**  
 Class Registration (\$60 Members/\$95 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ \_\_\_\_\_

**3/9 Great Lawyer, Bad Manager: Avoiding the Most Common Mistakes Lawyers and Law Firms Make as Employers**  
 Class Registration (\$60 Members/\$95 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ \_\_\_\_\_

**3/15 Family Law Update**  
 Class Registration (\$60 Members/\$95 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ \_\_\_\_\_

**3/16 Filing Claims Against Contractors for Residential Construction Defects: What Lawyers Need to Know from a Plaintiff and Defense Perspective**  
 Class Registration (\$60 Members/\$95 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ \_\_\_\_\_

**4/12 Taking Some Sticks from the Property Rights Bundle: Adverse Possession, Prescriptive Easements, and Other Real Property Encumbrances**  
 Class Registration (\$60 Members/\$95 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ \_\_\_\_\_

**Total due** .....\$ \_\_\_\_\_

**Registration forms with payment must be received in the MBA office by 3 p.m. the day before the seminar. Registration forms may be mailed or faxed to the address or number below. Accommodations available for persons with disabilities; please call in advance for arrangements.**

**Photocopy registration and mail or fax with payment to:**  
 Multnomah Bar Association  
 620 SW Fifth Ave., Suite 1220 ■ Portland, OR 97204  
 503.222.3275 ■ Fax to: 503.243.1881

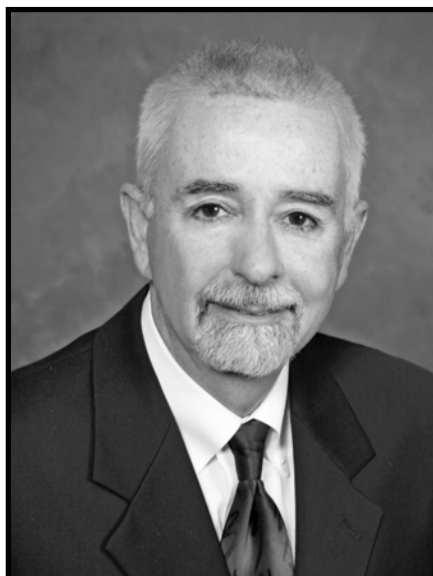
**Register online and order or download MBA self-study materials at [www.mbabar.org](http://www.mbabar.org).**  
 Reduced fees for unemployed members are available and are assessed on a case-by-case basis. For details, call the MBA at 503.222.3275.



**MCGAUGHEY + ERICKSON**

Shareholder Partner LLC Member Disputes

65 SW Yamhill St, Ste 200 Portland | 503-223-7555 | www.law7555.com



**CHAMBERLAIN**

**MEDIATION**

**ARBITRATION**

A Proven Problem Solver  
Trial & Appellate Experience  
Available Statewide

peter@chamberlainmediation.com  
www.chamberlainmediation.com  
503.380.5730



Paralegals  
Legal Secretaries  
Receptionists  
Project Assistants  
File Clerks

TEMPORARY & PERMANENT PLACEMENT  
**LEGAL NORTHWEST**  
STAFFING SPECIALISTS

700 SW Taylor Floor 2  
Portland, Oregon 97205  
Tel 503-242-2514  
Fax 503-274-7895  
www.legalnw.com  
info@legalnw.com

OVER 300 LAW FIRMS RELY ON US  
STAFFING PARTNER TO THE



**Erica C. Glaser**  
Mediation and Arbitration

- ADR Services throughout Oregon
- UM and UIM arbitration
- Court annexed arbitration
- Mediation of civil litigation
- 19 years litigator - both defense and plaintiff bars
- 14 years serving as a neutral

**erica@ADRoregon.com**  
**503-515-1621**



**Barker**  
Mediation & Arbitration

Neutral services for Oregon lawyers since 1992

Request dates for mediation or arbitration from the Available Dates page at [barkermediation.com](http://barkermediation.com).

John Barker is now available to serve as mediator or single or middle arbitrator in commercial, employment and personal injury claims.

1000 SW Broadway, Suite 1700, Portland, OR 97205 Phone: 503.227.6300 Email: [jb@barkermediation.com](mailto:jb@barkermediation.com)



**MEMBER BENEFIT**

**Bank of the Cascades**

VIP banking services designed specifically for attorneys.



## Around the Bar



Andrew Schpak and Ed Harnden

### Barran Liebman LLP

Barran Liebman is pleased to announce that **Andrew Schpak** joined Ed Harnden, Managing Partner since 1998, as Co-Managing Partner of the firm. Together Ed and Andrew will continue to focus on Barran Liebman's exclusive practice areas, including management side Employment, Labor, Benefits and Higher Education law, with an emphasis on maintaining the highest level of service to our clients and community. Barran Liebman congratulates Andrew on his promotion into our firm's management, and continues to thank Ed for his leadership and mentorship.



Victoria Blachly

### Samuels Yoelin Kantor LLP

**Victoria Blachly**, a partner with Portland law firm Samuels Yoelin Kantor LLP, has been appointed by Governor Kate Brown to the Commission on Uniform State Laws for a four-year term.

The Commission on Uniform State Laws is Oregon's branch of the Uniform Law Commission, a national nonprofit association providing states with nonpartisan, well-conceived and well-drafted legislation that brings clarity and stability to critical areas of state statutory law.

"It is an honor to be appointed, and I look forward to collaborating with the commissioners in Oregon and around the country who have been working so diligently to make the law easier to navigate," said Blachly.



Ken Ammann

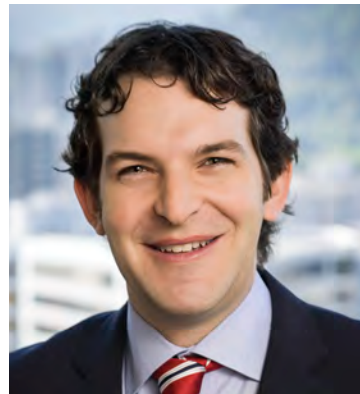
### Ken Ammann PC

Ken Ammann has left Jones Ammann LLC and formed

Ken Ammann PC where he will continue to focus on his statewide mediation and arbitration practice based upon over 25 years of representing both plaintiffs and defendants in complex litigation throughout the Northwest. Ken will also continue to handle select personal injury matters. Ken can be contacted at ken@kenammann.com; 503.364.6734.



Renée Rothauge



Adam Starr

### Markowitz Herbold PC

Portland litigation firm Markowitz Herbold PC announced that Shareholder **Renée Rothauge** has been named chair of the OSB's Litigation Section for 2017.

The Litigation Section is the largest within the bar and includes criminal, civil, and specialty practice litigators among its members. Rothauge has served on the Executive Committee of the Section since 2012.

Rothauge is a trial lawyer who represents companies and individuals across the country in high-stakes, complex business disputes, including intellectual property matters.

In addition, the firm also announced that **Adam Starr** has become a shareholder with the firm. Starr specializes in complex business and real estate litigation. He has successfully handled shareholder disputes in closely held companies, as well as business torts, such as unfair business practices, fraud and defamation claims. Starr has particular experience representing inventors in royalty and intellectual property disputes.

His real estate practice includes construction finance, secured contracts, title insurance, guarantees, and lien priority disputes. Starr is also experienced in litigating disputes between homeowner associations and homeowners, condominium associations and condominium owners, and amongst neighbors.

Starr has extensive experience in California, Oregon and Washington State and federal courts, and in all stages of the litigation process, including trial.



Jennifer Warberg

### Littler

**Jennifer N. Warberg**, an attorney in the Portland office of Littler, the world's largest employment and labor law practice representing management, has been elevated to shareholder in the firm, effective January 1.

Warberg advises and represents clients in litigation in a broad range of employment law areas, including discrimination and harassment, wage and hour, class action defense, and whistleblowing and retaliation. She regularly handles disputes in state and federal courts and before administrative agencies. She also advises on compliance fulfillment and litigation avoidance and conducts employee and supervisory training.



Jennifer Bragar

### Tomasi Salyer Martin

**Jennifer M. Bragar** brings her land use, environmental, real estate, and municipal law practice to a new home at Tomasi Salyer Martin. Jennifer joins the firm as an owner who will advise on complex land use and environmental permitting matters; real estate transactions; multi-agency administrative reviews; and drafting and negotiating finance documents.

Jennifer regularly represents clients in hearings and proceedings before city and county governing bodies, the Land Use Board of Appeals, and the Oregon Court of Appeals. She is committed to community service, including as a member of the Real Estate and Land Use Section of the OSB Executive Committee, Board President of Housing Land Advocates, and Board Member of the Oregon League of Conservation Voters. She comes to the firm from Garvey Schubert Barer.

### Lewis Brisbois

The firm is pleased to welcome **Jason Daywitt** to its Portland office as a partner in the Products Liability and Healthcare Practices.

Jason's practice emphasizes complex litigation, including the defense of product liability, toxic tort, environmental, and professional liability claims. He is also experienced in long-term care and elder law matters.

Daywitt has also served as national counsel for several clients in toxic tort litigation and continues to develop strategies for the defense of mass-tort litigation for several regional and national product manufacturers and distributors.

The Around the Bar column reports on MBA members' moves, transitions, promotions and other honors within the profession. The submission deadline is the 10<sup>th</sup> of the month preceding publication or the prior Friday if that date falls on a weekend. All submissions are edited to fit column format and the information is used on a space-available basis in the order in which it was received. Submissions may be emailed to [mba@mbabar.org](mailto:mba@mbabar.org).



**Douglas G. Beckman**

503-287-7977

Arbitration & Mediation

P.O. Box 13365  
Portland, OR 97213  
Fax: 503-210-7688  
[dougbeckman@comcast.net](mailto:dougbeckman@comcast.net)



**BATCHELOR**  
MEDIATION + ARBITRATION



Credibility + Judgment =  
**Resolution**

1600 CONGRESS CENTER  
1001 S.W. FIFTH AVENUE  
PORTLAND, OREGON 97204  
503.219.2345  
[JEFF@BATCHELORADR.COM](mailto:JEFF@BATCHELORADR.COM)  
[BATCHELORADR.COM](http://BATCHELORADR.COM)

Talented negotiators know the importance of credibility in resolving disputes. When you add sound judgment and disciplined neutrality, you have a winning formula.

The math is simple. Credibility plus sound judgment equals a successful resolution.

LEARN MORE AT [WWW.BATCHELORADR.COM](http://WWW.BATCHELORADR.COM)

**K. William Gibson**  
Arbitrator & Mediator

(503) 307-1676  
[gibsonmediation.com](http://gibsonmediation.com)



Here is what lawyers say about Bill Gibson:

"Fair & Impartial"

"Easy to work with"

"Doesn't take himself too seriously"

"Courteous"

"Hasn't forgotten what it's like to try a case"

Available for court annexed arbitrations, UM/UIM arbitrations and mediations statewide. No charge for travel.

Schedule online at  
[www.gibsonmediation.com/calendar](http://www.gibsonmediation.com/calendar)

## Ethics Focus

### Making Contact: The “No Contact” Rule in the Corporate Context

by Mark J. Fucile  
Fucile & Reising LLP



The “no contact” rule, RPC 4.2, is simple on its face but can be difficult in application. In the litigation context, the rule generally prohibits (subject to specified exceptions) a lawyer from contacting a represented

#### When managing their own practices...lawyers are generally prohibited from including non-competes...

party opponent (or a represented witness) concerning the case involved. When both sides are individuals, the analysis is usually straightforward. When the parties are corporations, however, the scope of the prohibition becomes more nuanced and often focuses on the question of who falls within corporate counsel’s representation for purposes of the rule.

The OSB has a very useful ethics opinion addressing this topic - Formal Opinion 2005-80. The opinion, which is available on the OSB website, is built on the legacy of its predecessor under the former Oregon “DRs,” Formal Opinion 1991-80, and incorporates more contemporary analysis from the corresponding ABA Model Rule on which Oregon’s rule is now patterned. Opinion 2005-80 has great practical utility because it sets out four “black letter” categories of corporate employees - two of which generally fall within corporate counsel’s representation (and, therefore, may not be contacted directly) and two which generally fall outside (and, therefore, may be contacted directly). The OSB has issued a parallel opinion, 2005-152, that takes the same general approach with government agencies.

In this column, we’ll look first at who is “off limits” and “fair game” under the OSB opinion. We’ll then examine companion issues under the attorney-client privilege when conducting otherwise permissible interviews. Finally, we’ll briefly survey the remedies available for violations of the rule in this context.

#### “Off Limits” and “Fair Game”

As noted, Opinion 2005-80 breaks corporate employees out into four categories and then classifies them as being inside

or outside corporate counsel’s representation. Classifying a particular employee as “off limits” to direct contact under RPC 4.2 doesn’t mean that they are shielded altogether from discovery. But, it does mean that they will generally have to be deposed rather than interviewed.

#### Current Management

Current officers, directors and at least some managers fall within corporate counsel’s representation and are “off limits.” Officers and directors are straightforward. Deciding which managers fall within corporate counsel’s representation, however, is often a more fact-specific exercise and usually turns on the particular issues involved and the degree to which the person commonly interacts with company counsel. On a related note, ABA Formal Opinion 06-443 (2006) generally classifies in-house counsel as lawyers rather than clients for purposes of the rule as long as they are working as a lawyer for the organization concerned.

#### Current Employees Whose Conduct is at Issue

Current employees whose conduct is at issue are treated as falling within corporate counsel’s representation. The rationale is that because the opponent is attempting to hold the corporation liable for the acts of the employee, the employee should fall within corporate counsel’s representation.

#### Current Employees Who Are Simply Fact Witnesses

Current employees who are simply fact witnesses may generally be contacted directly - as long as they are not otherwise represented by their own lawyers.

#### Former Employees

Former employees of all stripes may generally be contacted directly - again as long as they are not otherwise represented by their own lawyers.

#### The Attorney-Client Privilege

Assuming that a particular employee is “fair game” for direct contact, Opinion 2005-80 counsels (at 3) that a contacting lawyer cannot “use any conversations with Current Employee or Former Employee to invade Corporate . . . [organization’s] . . . lawyer-client privilege.” Similarly, the opinion also counsels (also at 3) that a contacting lawyer “may not ask or permit Current Employee or Former Employee to disclose to . . . [the contacting] Lawyer any communications that Current Employee or Former Employee had with . . . [organization’s] Lawyer pertaining to the matter in litigation.”

The rationale advanced in the opinion is twofold. As to current employees, Opinion 2005-80 notes that all employees - not just management - can have privileged conversations with company counsel under OEC 503. As to former employees, Opinion 2005-80 reasons that communications with company counsel by a former employee

concerning the employee’s work for the company are generally privileged under applicable decisional law. *Brown v. State of Or.*, Dept. of Corrections, 173 FRD 265, 269 (D Or 1997), and *Union Pacific R. Co. v. Mower*, 219 F3d 1069, 1072 n.2 (9th Cir 2000), are examples of the latter.

#### An agreement restricting the right of lawyers to practice after leaving a firm not only limits their professional autonomy but also limits the freedom of clients to choose a lawyer.

#### Remedies

Violations of the “no contact” rule are, of course, grounds for regulatory discipline (see, e.g., *In re Knappenberger*, 338 Or 341, 108 P3d 1161 (2005)). Regulatory discipline, however, is not the exclusive remedy and violations of the rule are also potentially subject to a variety of court-imposed sanctions depending on the circumstances. In *Bell v. Kaiser Foundation Hospitals*, 122 Fed Appx 880, 882 (9th Cir 2004), for example, the Ninth Circuit affirmed the trial court’s exclusion of a declaration obtained in violation of the rule. Similarly, in *In re Feldmeier*, 335 BR 807, 809-15 (Bankry D Or 2005), a law firm was sanctioned monetarily for direct contact. Finally, where a prohibited contact also involves an improper invasion of an opponent’s privilege, disqualification is a possible remedy if there is no other practical way to protect the confidential information involved (see generally *In re Korea Shipping Corp.*, 621 F Supp 164, 169-71 (D Alaska 1985) (surveying remedies)).



SUSAN M. HAMMER  
Dispute Resolution Services



### CREATIVE APPROACHES TO COMPLEX PROBLEMS

- Best Lawyers in America<sup>®</sup> every year since 2006
- Oregon Super Lawyers<sup>®</sup> every year since 2005
- Oregon Mediation “Lawyer of the Year,” Best Lawyers<sup>®</sup>
- National Association of Distinguished Neutrals<sup>®</sup>

503-222-5949  
www.Susan-Hammer.com

### RICHARD G. SPIER MEDIATOR



Highly experienced—full-time neutral since 1992

Business & commercial; personal injury; professional liability; employment; estates & trusts; real estate & construction

Listed in *Best Lawyers in America*<sup>®</sup> (Portland Lawyer of the Year for Mediation, 2014 and 2016) and in *Super Lawyers*

503-284-2511  
Fax 503-284-2519

rspier@spier-mediate.com www.spier-mediate.com  
2536 N.E. 28th Avenue ■ Portland, Oregon 97212-4916



Let your home’s equity build new dreams.

### Home Equity Line of Credit (HELOC) for MBA Members No closing costs | No prepayment penalty | Competitive rates

You have worked hard for your home, now let it work for you. Access the cash you need, when you need it, while only paying interest on the money you use:

- Flexible option for home improvements or a big purchase
- Access funds anytime
- Interest may be tax-deductible (consult your tax advisor for details)
- And more!

What are you working on and how can we help?

Partners with:



Go anywhere from here.



Proud to be an Oregon Law Foundation Leadership Bank | Member FDIC |   
877-385-9933 | 888 SW 5th Ave, Ste 1000, Portland | botc.com | mortgagecenter@botc.com

\*Subject to credit approval. Home Equity Line of Credit is based on owner-occupied, single family residence. No Closing Costs offer excludes escrow related fees (only applies if closed at a title company) and appraisal (if needed.) Property insurance is required. Credit terms vary based upon loan program selected, credit score and other factors. Please contact us for details.

## Tips From the Bench

### Filing Documents Under Seal

by Judge Stephen K. Bushong  
Multnomah County Circuit Court

*“Oooh baby, here I am,  
Signed, sealed, delivered,  
I’m yours”*

When Stevie Wonder wrote and recorded those words, he might not have been referring to filing court documents under seal. It was relatively easy in 1970 to sign and deliver documents to the court. With Efiling, that part is still easy. The difficulty arises with the “sealed” part. Here are some tips to help make that a little bit easier.

#### The “Open Courts” Clause of the Oregon Constitution

Article I, section 10, of the Oregon Constitution provides in part: “No court shall be secret, but justice shall be administered, openly and without purchase, completely and without delay[.]” The Oregon Supreme Court has indicated that, in adopting this original provision of the Oregon Constitution, the framers “sought to require the courts to conduct the business of administering justice in public - that is, in a manner that permits public scrutiny of the court’s work in determining legal controversies.” *Doe v. Corp. of Presiding Bishop*, 352 Or 77, 90 (2012). The Supreme Court has also indicated that, “although Article I, section 10, is written in broad terms, it does not apply to all aspects of court proceedings.” *State v. MacBale*, 353 Or 789, 806 (2013). The provision “generally prohibits a judicial proceeding from being ‘secret’ (closed to the public) if, in that judicial proceeding, ‘justice’ is ‘administered.’” *Id.* In addition, the Court has stated that the public’s right to review and copy exhibits received in evidence at trial “is not absolute but is subject to the discretion of the trial judge.” *Doe*, 352 Or at 98, quoting *State ex rel KOIN-TV v. Olsen*, 300 Or 392, 406 (1985).

So here’s the first tip: don’t forget that the court cannot just automatically file something under seal simply because the parties have stipulated that they would like to file it under seal and shield it from public scrutiny. Instead, remember that the court must comply with Article I, section 10, of the Oregon Constitution.

#### Uniform Trial Court Rule 5.160

Under UTCR 5.160, a party seeking an order to file documents under seal must file a motion specifying three things: (1) the statutory authority for sealing the documents; (2) the reasons for protecting the documents from public inspection; and (3) a description of the documents sought to be sealed. The judge hearing the motion has discretion to require the moving party to submit the documents to the court for in camera review. The court



has three options in addressing a motion to file documents under seal. The court can issue an order directing the clerk to (1) file the documents in the court file unsealed; (2) file the documents under seal; or (3) return the documents, unfiled, to the moving party. The rule also explains the process for filing documents under seal when authorized by the court. UTCR 5.160(4).

Here are the next tips: a party seeking to file documents under seal should specify in the motion the three things required by UTCR 5.160. The party should also offer to make the documents available to the court for in camera review. The party should specify in the first paragraph of the motion whether it wants the court to order the clerk to return the documents unfiled or order the clerk to file the documents unsealed if the court declines to order the clerk to file the documents under seal. If the court approves filing a document under seal, attach the court order to the document you want to be filed under seal. If only part of a document is confidential, redact the confidential part, file the redacted document (not under seal), and ask the court to approve filing the redacted part under seal.

#### Supplemental Local Rule 5.165

New SLR 5.165 (effective February 1), addresses an issue that frequently arises in civil litigation: stipulated protective orders seeking to preserve the confidentiality of documents that one or more parties deem to be “confidential.” Litigants may agree among themselves that “confidential” documents will be used only for purposes of the litigation and will not be publicly disseminated. The courts generally will enforce those agreements. However, that does not mean that the courts will automatically file under seal documents that the parties designate as “confidential.” Parties should not submit a stipulated protective order that requires them to file documents designated as “confidential” under seal because the court will not do that based solely on the parties’ agreement.

SLR 5.165 states that the court will not sign a stipulated protective order that appears to require the court to file under seal documents that the parties have designated as “confidential.” That has been the practice in Multnomah County Circuit Court for many years, though that practice was not clearly



## News from the Courthouse

by Mary Tollefson  
Court Liaison Committee

### Presiding Judge’s Report and Courthouse Update - Judge Nan Waller

#### Courthouse

Good progress is being made on the design of the new courthouse. The participation of lawyers in providing input on the design of courtrooms last summer when the Project Team built a mock-up of a courtroom was very helpful. Input from lawyers will again be sought on the acoustical material that is being considered for the walls of the courtrooms, including whether the acoustical material will be potentially distracting. When the material has been installed in one of the East County Courthouse courtrooms, an invitation will be sent out through the MBA for lawyers to visit the courthouse to provide input.

A hearing was recently held before the Historic Landmark Commission (HLC) on the design of the outside of the building. The HLC voted to recommend approval of the design which is an important step forward. In the upcoming legislative session the push will be to obtain approval for the remaining state bond funding for the courthouse, as well as a portion of the funding needed for furniture and technology. The court will be looking to lawyers for help securing the funding.

#### Using Interpreters

A reminder that the use of interpreters is to be set up by the attorney by calling Court Language Access Services at 503.986.5540.

#### Listening Session

A third listening session scheduled to be held in Gresham on January 12 was postponed due to inclement weather and will be rescheduled.

The purpose of the listening sessions is to give members of the community the opportunity to share their experiences in the justice system. The court will compile the information provided at the three sessions and will then organize “talking” sessions for the public to respond to concerns and issues heard in the three listening sessions. It is clear from the first two listening sessions that there is a need and desire of the public to have more information about how the justice system works.

### Chief Family Court Judge’s Report - Judge Maureen McKnight

Family Court is busy. Judges are trying to ascertain where judicial resources are best spent. Family law filings are not down and the court is often seeing the same litigants over and over through enforcement and modification proceedings. Stalking and protective order case filings are increasing in Multnomah County, but they are not increasing at the same rate on the statewide level. They are compiling and looking at data through Odyssey, but it will take several months to review the data.

There are high rates of self-representation in family law cases. The latest data shows that somewhere around 85 percent of family law cases in Oregon have at least one party that is self-represented, which complicates the cases. The rates of self-representation in family law cases have been staying the same, but they have been going up in civil cases. Self-representation creates problems with judgments being rejected because the litigant doesn’t understand how to properly fill out the forms.

Family law court is held at the East County Courthouse every Monday afternoon and all day

Wednesday. Ex parte hearings are also held there three times per week. Each family law judge goes there five to six times per year. There’s also a school attendance docket at the East County Courthouse once a month, which uses a problem-solving approach.

Judge McKnight has an email listserv with about 250 attorneys on it and she sends out updates regarding family law issues about every six weeks. There is also an email address where attorneys can report cases settled instead of showing up to trial assignment.

The court worked with the MBA and St. Andrew Legal Clinic to set up a program for judgment repair following rejection. They are also hoping to create a judgment preparation clinic with volunteer attorneys to help self-represented litigants fill out their judgments.

A group of experienced attorneys has agreed to volunteer as pro tem judges to conduct judicial settlement conferences in order to provide an alternative to trial. It is anticipated that this program will begin in March or April.

The court was awarded a federal grant to work on custody and decision-making in domestic violence cases. The goals of the grant are to create educational opportunities for the public, to implement the principles of procedural justice and to improve access for self-represented litigants. These goals are being implemented by creating educational videos and trainings for the public as well as judges and court staff. Last year the court conducted a survey to provide a baseline measure of whether courthouse users understand proceedings and believe that they have been treated with respect. The survey will be repeated this spring to measure the impact of the improvement efforts. The court will also give the public an opportunity to provide ongoing feedback by having comment cards available.

stated in the court’s supplemental local rules, until now. SLR 5.165 specifies the wording that parties should include in their stipulated protective order to address filing documents designated as “confidential” under seal.

Here are the final tips: be sure to include the words specified in SLR 5.165 in your stipulated protective order. Do not submit a protective order that requires the court to automatically

accept for filing under seal any documents that the parties have designated as “confidential.” If you do, the court will not sign it, even though the parties have stipulated.

In the song, Stevie Wonder sings: “I’ve done a lot of foolish things.” Don’t follow his example. Complying with Article I, section 10, UTCR 5.160, and SLR 5.165 will make it almost as easy to “seal” as it is to sign and deliver.

Endnote. Stevie Wonder recorded “Signed, Sealed, Delivered, I’m Yours” for Motown’s Tamla label in 1970. The song has been covered by many artists, including former Humble Pie guitarist Peter Frampton, who included his version on the 1977 album *I’m in You*.



## MBF Announces Officers, Directors

by Pamela Hubbs  
Office and Foundation Administrator

The Multnomah Bar Foundation is pleased to announce its new slate of officers and directors for 2017.



**Dana S. Scheele**, Cambia Health Solutions, President, on the year ahead: "In this post-election world, it's more important than ever that individuals are engaged in learning how government works and the political process. I am honored to be part of a board which devotes a significant amount of time focusing on nonprofits in the Portland metro area who educate, engage and inspire diverse groups of individuals to be active in our system of government. We focus fundraising efforts on CourtCare in the spring and the Civic Engagement Fund in the fall, two fundraising arms which lawyers should care about and support."



**J. Matthew Donohue**, Markowitz Herbold PC, is Vice President. When asked about his service on the MBF Board, Matt said, "I am thrilled to continue working with the MBF Board and MBA staff on our mission to promote civic education. I can't think of a better time in our recent history to promote understanding and raise awareness and understanding of our civil process. The MBF will continue to fund nonprofit organizations that directly serve and educate our community on these important issues."

**Nicholas A. Kampars**, Davis Wright Tremaine LLP, Secretary Treasurer, about the work of the foundation: "Civic engagement is critical to our democracy and we, as lawyers, play an important role in advancing the cause. We're lucky to have so many organizations with this mission in our community, and I am proud that the MBF supports their efforts."

**Amy L. Angel**, Barran Liebman LLP, Immediate Past President, speaking about the significance of the MBF: "An informed and engaged citizenry is the bedrock of our legal system. Through our key programs - the Civic Education Fund and CourtCare - the MBF promotes civic engagement and understanding of the rule of law, and supports the improvement of the administration of the legal system. I'm honored to help lead an organization with such a valuable mission."



Nicholas Kampars



Amy Angel



Sarah Bond



Julie Vacura

## The Honorable Leslie Bottomly Multnomah County Circuit Court Judge

by Caroline Harris Crowne  
Court Liaison Committee

As one of our newest judges in Multnomah County, Leslie Bottomly, appointed in March 2016, has spent the past several months moving from courtroom to courtroom while handling the full spectrum of cases presented in the court - hearing motions to suppress in a criminal case on her first day on the bench; presiding over civil jury trials involving medical malpractice, product liability, personal injury, and landlord-tenant matters; conducting criminal arraignments; holding evidentiary hearings on injunctive motions; and spending a couple of months on criminal misdemeanor trial rotation. It has been quite a change for this long-time civil lawyer, who spent most of her career advising clients on employment and healthcare matters. But one thing remains the same: Judge Bottomly enjoys learning about the people and businesses in our community, hearing their stories, and helping them resolve their legal issues so they can move on with their lives. That is in large part why she became a judge.

Judge Bottomly is a lifelong Oregonian. She grew up in Northwest Portland, next door to former mayor Bud Clark. She left the state for college, graduating with a psychology degree from Stanford in 1985, and then came back to attend law school at Lewis & Clark, graduating in 1990.

After law school, Bottomly joined the Ater Wynne firm as an associate. During her first year, she witnessed Janice Wilson, then a partner at the firm, try in the Multnomah County courthouse

the first disability rights case under Oregon state law. Soon after, Wilson was appointed to the bench, and Bottomly began focusing her practice on employment law, which was a growing field as a result of a wave of new legislation. Bottomly was made a partner in the firm in 1999 and continued to practice there until her recent judicial appointment. In addition to her work advising clients, she served from time to time as a mediator and arbitrator, which led to her interest in service as a judge. She also credits the Ater Wynne firm with fostering a culture of public service and intellectual engagement with the law, which contributed to her interest in judicial service.

The most challenging aspect of Judge Bottomly's new role has been dealing with pro se parties. Since taking the bench, she has presided over a civil jury trial with a pro se plaintiff who did an admirable job learning the basic process and participating effectively. But often she sees pro se parties at risk of losing their cases because they don't know the procedural and evidentiary rules. She has to do her best to provide a fair process without giving advice to either side.

Since becoming a judge, Bottomly has gained new appreciation for the high level of collegiality among criminal practitioners, which she attributes to the fact that they see each other virtually every day in the courthouse and try many cases together. She has been tempted to order the civil lawyers on some cases to go out for coffee together when they are not



Judge Leslie Bottomly

getting along. She recommends that civil lawyers try to attend bar functions on a regular basis, take cases on both the plaintiff side and the defense side if they can, and last but not least, invite opposing counsel out for coffee before the case heats up.

Bottomly also encourages civil lawyers who are seeking trial experience to take advantage of the jury trial experience program through the district attorney and public defender offices, or spend a year working in criminal prosecution or defense. She participated in the DA-for-a-Day program when she was building her skills as a lawyer. As she describes it, taking on a high-volume misdemeanor docket challenges civil lawyers, who may be great at meticulous preparation, to think on their feet, roll with the punches, and deal with surprises from witnesses. And at the end of the day, they gain the confidence that they can try a case from start to finish.

When Judge Bottomly is not on the bench or studying up on the law in preparation for a hearing or trial, she leads a very active life. You may see her on her bike commuting from her neighborhood in Northeast Portland, playing in a regular weekend soccer game with her teenage son, visiting her daughter at the University of Oregon, surfing at the coast, or sailing on the Columbia River.

### VLP Special Donors

The MBA offers a special thank you to the following members for donating more than the suggested check-off amount to the Volunteer Lawyers Project when paying their 2017 dues.

Hollis McMilan  
Lynn Nagasako

Beverly Orth  
Susan Potter

### MBF Special Donors

The MBA offers a special thank you to the following members for donating more than the suggested check-off amount to the Multnomah Bar Foundation Civic Education Fund when paying their 2017 dues.

Charles Greeff  
Sandra Hansberger

Hollis McMilan  
Lynn Nagasako

New directors are **Sarah H. Bond**, Zimmer Family Law; **Julie R. Vacura**, Larkins Vacura Kayser LLP, and **Jennifer A. Wagner**, Stoll Berne PC. Continuing directors are **Hon. Cheryl A. Albrecht**, Multnomah County Circuit Court; **Tyler E. Anderson**, Oregon Department of Justice; **Holly L. Johnston**, Lee & Hayes PLLC; **Susan D. Marmaduke**, Harrang Long Gary Rudnick PC; **Mary Jo N. Miller**, Stoel Rives LLP; and **Timothy J. Resch**, Samuels Yoelin Kantor LLP. **W. Todd Cleek**, Cleek Law Office LLC, is the current MBA Board Liaison.

**mba** | Young Lawyers Section

## What is the YLS?

An inclusive section of the bar, which includes any MBA member in practice less than six years or under the age of 36. The YLS provides leadership, networking, professional development and service opportunities. And we have fun!

### mba yls | EVENT

#### YLS Community Service Day

**Oregon Food Bank**  
7900 NE 33rd Dr., Portland  
Saturday, February 18  
9-11:30 a.m.

Join colleagues at the Oregon Food Bank's Portland Volunteer Action Center from 9-11:30am on Saturday, February 18. Volunteers will repack and label bulk dry food in a lively, active environment! You'll be repacking foods like rice, pasta, apples or potatoes into family-sized packages, either working at tables or around bins. Spaces are limited.

Email Matea Shosho at [matea90@gmail.com](mailto:matea90@gmail.com) to reserve your spot.

## Kevin Stokes YLS Member Spotlight

by Mary Tollefson  
YLS President-Elect

Although this winter seems particularly cold to those native to the Pacific Northwest, it is nothing compared to the bitter Midwest winters that Kevin Stokes became accustomed to. Kevin was born in Pennsylvania and grew up in Ohio.

Kevin attended the University of Findlay in Ohio for his undergraduate education with a major in accounting and economics. He went to work for the Ohio Department of Taxation, and obtained his Certified Public Accountant license while working there. Kevin went on to perform internal auditing for the State of Ohio. While working as an auditor, Kevin was accepted to law school at Michigan State University.

When Kevin started law school, he had no intention of actually practicing law. He enjoyed his work as an accountant and auditor, but realized he would eventually tire of it and it was not a good long term fit for him. Kevin entered law school with a desire to gain an appreciation and understanding of the legal aspects of business transactions so he could consult with and

advise businesses on their financial affairs. During law school, Kevin became interested in the idea of practicing law and decided to take the bar exam.

Kevin wanted to move to the West Coast to escape the cold winters he had experienced in the Midwest and explore new areas of the country. His fiancée, Gabrielle, who is also native to the Midwest, agreed. Gabrielle did not want to move to California, and Kevin did not want to move to Washington, so they compromised on Oregon as their new home and have not regretted it since.

Currently, Kevin is clerking for Judge Henry Breithaupt of the Oregon Tax Court. He enjoys the work because everything he sees is new to him. His long-term goal is to become an appellate attorney, but is keeping an open mind as to what his next step will be.

Kevin is currently a member of the YLS Service to the Public (STP) Committee. His first contact with the STP Committee was in March 2016, when he volunteered to help pull weeds and clean up Forest Park at a lawyer volunteer event sponsored by the STP



Kevin Stokes

Committee. Kevin had a great time helping out and applied to join the STP Committee. He has since gone on to set up another volunteer day at Forest Park and is working to plan the committee's annual YOUthFILM Project. Kevin has enjoyed meeting other new attorneys on the committee and working on various tasks with them.

In his spare time, Kevin enjoys being outside and exploring with his dog. Since coming to Oregon, he has gone hiking and camping on the coast, the high desert, and the Columbia River Gorge. He also enjoys rock climbing and mountaineering, and he recently purchased some snowshoes that he is anxious to try out. When not exploring the outdoors, Kevin and Gabrielle enjoy attending symphony and ballet performances.

## St. Andrew Legal Clinic Pro Bono Spotlight

by Meagan Robbins  
YLS Pro Bono Committee

Representing one's self in court, even with a law degree, is a daunting task. Divorce, custody, and restraining order cases are no exception. Somewhere between 67 and 86 percent of family law cases in Oregon involve at least one party who is self-represented. Many attorneys shy away from domestic relations or family law and view this as a messy, sordid area of law. Sometimes it can be; however, I can attest to the fact that representing a family law client on a pro bono basis is a tremendous way to pay forward the legal education and careers we're fortunate to have.

One of the best kept secrets in Oregon is the myriad opportunities for pro bono and volunteer service with St. Andrew Legal Clinic (SALC). SALC is an organization near and dear to my heart, as I got my family law feet wet while doing an externship at the clinic during law school at Lewis & Clark. SALC provides low-cost domestic relations legal services to low and modest means clients. Because they take low retainers and adjust fees on a sliding scale, SALC relies on fundraising efforts and pro bono service from attorneys to serve a high number of clients each year.

Shelly Mathtys recently retired from her position as Executive Director at SALC. Prior to taking

the position she had been a staff attorney and managing attorney. Her retirement and entry into a solo practice rounded out her 18 years with the clinic. Shelly shared with me the very best ways attorneys, new and old, and even law students can give back through the clinic. Whether you're looking for an ongoing gig or want to provide one-time service, SALC would appreciate your professional expertise and energy.

The most consistent need for volunteers, and a great opportunity for new lawyers, is SALC's Night Clinic. Night Clinic is an intake process, during which each potential client sits with a volunteer attorney for 30 minutes to give basic facts and information, then receives a quote for a retainer and hourly rate. The clinic is a great way for lawyers to meet and get to know other lawyers, and to provide discreet, limited family law services. It's also a good opportunity for those considering practicing family law to test the waters, and for those whose practices don't directly impact people but who want to provide that service.

The clinic buys dinner for the attorneys to enjoy together at 6pm, and then the doors open for clients 30 minutes later. No family law experience is required, and a staff attorney is always on site to

assist as needed. The Multnomah County office holds Night Clinic every Wednesday and alternating Tuesday evenings, and the Washington County office holds theirs every Wednesday night. Presently, there is a significant need for attorneys to assist in the Washington County office.

SALC's two main fundraisers are the Race for Justice, a 5k run and walk, and the Taste for Justice, a dinner and wine auction. Both are fun opportunities for lawyers and non-lawyers to volunteer in a non-legal capacity. However, all efforts support the clinic and allow it to continue providing low cost services. Newer attorneys are welcome to bring their enthusiasm to the race or auction planning committee, or to volunteer the day of the event.

One pro bono opportunity has Mathtys and incoming Executive Director Kevin McHargue very excited. Retired bar members are dedicating their time, efforts and expertise (and not necessarily in family law) to represent clients pro bono through the clinic. Retired bar members are able to obtain PLF coverage through the clinic and continue to take on cases through SALC. For instance, Jack Lundeen, well-known in the family law community for his great work as a lawyer, volunteer, mentor and pro tem judge, handled 30 pro bono cases in 2015. Another experienced attorney, Mike Harvey, practiced business law as in-house counsel for a chemical company before retiring in Enterprise, Oregon.

By volunteering his services to the clinic, he has represented approximately 15 SALC clients in Wallowa County. While new lawyers can only dream of doing this in retirement, near-retirees can start planning on how to give back in retirement.

As I write this article, I'm looking at a foot of snow in my yard and wishing my kids could go back to school. We're going on day five of the Great 2017 Snowpocalypse, which will hopefully be but a distant memory when you read this. McHargue was proud to tell me how dedicated their Night Clinic

volunteers were on the night of January 11, when the snow started to fall (and stick). Three volunteers showed up and stuck it out, and all of their clients were served. He's grateful to be joining an organization with a dedicated volunteer base, and is proud SALC offers pro bono opportunities for attorneys in various stages and places in their lives and legal practices.

To get involved with SALC, please contact the Multnomah County office at 503.281.1500 or the Washington County office at 503.648.1600.

### mba yls | EVENT

#### YLS Social

**Portland Children's Museum**  
4015 SW Canyon Rd., Portland  
Saturday, February 25  
5:30-7:30 p.m.

The YLS Membership Committee reserved the Portland Children's Museum for this private networking event from 5:30-7:30pm. Families will have free reign to explore the museum and complimentary refreshments will be provided for kids and adults. Admission is free for MBA and YLS members and their families.

Please register early as space is limited.

Submit your party's RSVP to [shannon@mbabar.org](mailto:shannon@mbabar.org).

# Don't try it yourself



**In over your head with a case in Washington?**  
Let us try it – or better yet, settle it. Whether in Washington or Oregon, we'll jump in and handle it. Generous referral program.



**DON JACOBS**  
Trial Lawyer of the Year, Clark County (2015)  
Past President, Oregon Trial Lawyers Assoc.



**JESSE JACOBS**  
OTLA Guardian and WSAJ Eagle

503.222.7757 [nwinjurylawcenter.com](http://nwinjurylawcenter.com)



## Molly Jo Mullen

MEDIATION ■  
ARBITRATION

25 years civil and criminal trial experience.

**MULLEN ADR**

[mollyjo@mullenadr.com](mailto:mollyjo@mullenadr.com)

503-901-6199

WE ARE PLEASED TO INTRODUCE  
THE PLF'S NEW BLOG:



Featuring practice management information and practical advice for Oregon lawyers in private practice.

Visit [www.osbplf.org/inpractice](http://www.osbplf.org/inpractice) to view the blog or to subscribe and be automatically notified of new posts!



## REST EASY.

We have the attorneys, paralegals, legal assistants, and support staff you need, as well as the positions you seek at top law firms and corporations.

CALL TODAY  
503.295.9948



[www.staffingsolutionsllc.com](http://www.staffingsolutionsllc.com)



THE NATIONAL ACADEMY OF DISTINGUISHED NEUTRALS

## OREGON CHAPTER

*The following attorneys are recognized for*  
**Excellence in the field of Alternative Dispute Resolution**



Jeff **BATCHELOR**  
PORTLAND



Sid **BROCKLEY**  
CARLTON



William **GIBSON**  
CLACKAMAS



Susan **HAMMER**  
PORTLAND



Jim **HUTCHINSON**  
PORTLAND



Richard **SPIER**  
PORTLAND



Met **WILSON**  
PORTLAND

Check Detailed Bios & Available Dates Online at [www.ORMediators.org](http://www.ORMediators.org)

*As approved by local members of the national plaintiff (AAJ) and defense (DRI) bar associations\**

\* The National Academy of Distinguished Neutrals ([www.NADN.org](http://www.NADN.org)) is an invitation-only professional association of over 900 litigator-rated mediators & arbitrators throughout the US and a proud partner of the AAJ and DRI. For more info, please visit [www.NADN.org/about](http://www.NADN.org/about)

## The Corner Office PROFESSIONALISM

More and more civil cases are being filed by persons representing themselves. One of those complaints came into our office, so I assigned it to Eager Beaver, the new associate.

Eager had a host of strategies he described for me: He would rely on the plaintiff's ignorance of the law and overwhelm her with a multipronged attack. He would issue an extensive request for production of documents, and when the plaintiff inevitably failed to produce what had been requested, a motion to compel would be granted and followed up with a motion to dismiss the case when the documents still weren't produced. Meanwhile, he would file a motion to dismiss based on a 20-page memorandum, and alternative motions to make definite and certain, to burden the plaintiff and reveal her lack of legal acumen.

And, he'd depose the plaintiff for a few days, to show her that he was a tough S.O.B. and he would resist her efforts to depose anyone because no valid claim had been alleged.

My response: this is a stupid strategy, and contrary to our professional obligation to solve problems, not create them.

A pro se litigant should be treated with courtesy, fairness, and respect. Beyond that, we should err on the side of educating the pro se litigant on the expectations that the court will have. Provide her with links to things like the Uniform Trial Court Rules and Supplementary Local Rules (or in federal court, the Local Rules). Let her know the due date of whatever she must serve on us. Explain the consequences if she does not meet the deadlines. And when it comes to things like motion practice and the scope of discovery, use the same approach that you would if the litigant was represented by an attorney.

That way, she'll learn to trust you, and might even be persuaded to enter into a reasonable settlement. More importantly, our judges constantly struggle with how to provide justice to pro se litigants, who more often than not simply

cannot afford a lawyer and make innocent mistakes in procedure that clog and delay the system. Helping these cases through the system in a fair way will be appreciated by the court.

By the way, I told Beaver, "I learned this the hard way, when I tried to bully a woman representing herself early in my career. She had more stamina than I expected, and won the trial."

*The Corner Office is a recurring feature of the Multnomah Lawyer and is intended to promote the discussion of professionalism taking place among lawyers in our community and elsewhere. While The Corner Office cannot promise to answer every question submitted, its intent is to respond to questions that raise interesting professionalism concerns and issues. Please send your questions to [mba@mbabar.org](mailto:mba@mbabar.org) and indicate that you would like The Corner Office to answer your question. Questions may be submitted anonymously.*

## Member Resource Center

Welcome to the member resource center, where you will find information of importance to MBA members and the legal community at large.

### Pro Bono Oregon Listserv

Receive a weekly summary of available pro bono volunteer opportunities in your email inbox every Thursday. Listings include the type of case and a brief description of the issue and do not include highly identifying facts or party names. Sign up by sending an email to [probonooregon-subscribe@mail.lawhelp.org](mailto:probonooregon-subscribe@mail.lawhelp.org).

### Update Your Directory Listing on the MBA Website

The MBA website includes an online Membership Directory and members may update their photos, include a bio, add links to social networking sites and update practice area information online. To update your listing, login to the Members Center where you may use the email address currently on file in the MBA Directory as your user name. If you do not know your password, you may click on the "forgot password" link to have it emailed to you.

### MBA Member Discounts

#### Bank of the Cascades

Financial services specifically designed for attorneys. IOLTA accounts with no fees and competitive rates, discounted personal banking services, and more.  
Elise Bouneff 503.499.5931  
[www.botc.com](http://www.botc.com)

#### The Bar Plan Online Court Bonds

Streamlined court bond service with expedited turnaround.  
Cathy Ahearn or Deborah Eller 1.877.553.6376  
[www.mba.onlinecourtbonds.com](http://www.mba.onlinecourtbonds.com)

#### LawPay

Credit card processing intended for client-attorney transactions. Reduced processing rates for MBA members.  
1.866.376.0950  
[www.lawpay.com/mbabar/](http://www.lawpay.com/mbabar/)

#### Legal Northwest Staffing Specialists

Discounted pricing on direct hire positions and a quality of service guarantee.  
Anneke Haslett 503.242.2514  
[www.legalnw.com](http://www.legalnw.com)

#### MBA Group Insurance Plans

Hassle-free administration and customization of health plans for law firms. In addition to attorney, firm must have at least one W2 employee to be eligible.  
Steve Doty, 503.716.9328  
[www.aldrichadvisors.com/MBA/](http://www.aldrichadvisors.com/MBA/)

#### NAEGELI Deposition and Trial

Discounts on court reporting, video conferencing and videography.  
503.227.1544  
[www.naegeliusa.com](http://www.naegeliusa.com)

#### Newsletter Advertising

MBA members enjoy reduced rates on display and classified advertising in the *Multnomah Lawyer* publication. In addition, all classifieds are posted at [www.mbabar.org](http://www.mbabar.org).  
Ryan Mosier, 503.222.3275

#### Office Depot

Reduced rates, including significant discounts on regularly ordered items.  
Douglas Thrush, 1.855.337.6629 x16095

#### Ruby Receptionists

A virtual receptionist service based in Portland that seamlessly connects you to your callers. MBA members receive a flat discount on the monthly plan and unlimited free voicemail boxes.  
1.866.611.7829  
[www.callruby.com/mba](http://www.callruby.com/mba)

#### UPS

MBA members can save up to 26% on their express shipping courtesy of UPS.  
[www.savewithups.com/multnomahbar](http://www.savewithups.com/multnomahbar)

## Pro Bono Volunteers

Thanks to the following lawyers and law students who recently donated their pro bono services via the Volunteer Lawyers Project, the Senior Law Project, law firm clinics, the Oregon Law Center, the Nonprofit Project, St. Andrew Legal Clinic, Catholic Charities Immigration Legal Services, Lewis & Clark's Small Business Legal Clinic, Children's Representation Project, and Changing Lives Forever Project. To learn more about pro bono opportunities in Multnomah County, go to [www.mbabar.org](http://www.mbabar.org) and click on "About Us" and "Pro Bono."

Cierra Brown • Amanda Bruen • Brett Carson • Micah Davis • Chris Edwardsen • Jon Fritzler • Michael Fuller • Anne Furniss • David Gray • Natalie Hedman • Dona Hippert • Samuel Justice • Joshua Kadish • Garry Kahn • Mark Kramer • Tony Kullen • Bill Kwitman • Elizabeth Lemoine • Riley Makin • Patricia McGuire • Tim McNeil • Jim O'Connor • Ian Simpson • Anne Steiner • Judge Jill Tanner • Michael Yates • Rosemary Zook • Evans Van Buren

## Free Event Publicity

The MBA website includes a unique feature: the ability for law-related organizations and nonprofits to add their social events to the MBA online calendar.

The MBA offers other organizations the ability to access our online calendar in order to provide **one** site where all law-related events can be listed to help prevent conflicts.

Please consider adding your social events to the MBA online calendar at the following link: <http://mbabar.org/Calendar/SubmitAnEvent.html>. Or, you may contact the MBA at [mba@mbabar.org](mailto:mba@mbabar.org) to add your item to the calendar.



## Available Meeting Space



The MBA conference room may be reserved for use by MBA members for client meetings, depositions and other professional law-related business.

Office location:

620 SW 5th Ave., Ste. 1220  
Portland OR 97204

Contact the MBA for details and availability at 503.222.3275.

## Classifieds

### Positions

#### Legal Assistant/Paralegal

Estate planning law firm seeks a legal assistant/paralegal with 3+ years working in estate planning and administration. Must be familiar with the Multnomah County probate court rules and procedures. Experience preparing federal and Oregon estate tax returns is a plus. Candidate must be self-directed, attentive to detail, good with numbers, and effective at communicating. Proficiency in Microsoft Word, Excel, and Outlook required. We offer a competitive pay and benefits. A growing and challenging practice, and an informal atmosphere. If interested, please email your cover letter, resume, and salary requirements to HR@clblaw.net.

Employment type: Full-time  
Compensation: Depends on experience & qualification

#### Financial Institutions Attorney (Portland)

Miller Nash Graham & Dunn (MNG&D) is seeking a full-time attorney with at least five years of commercial lending experience to join its Portland, Oregon, office. Knowledge of and experience in commercial lending and working with financial institutions required. Strong academic credentials and analytical ability also required.

To apply, please submit a cover letter, resume, and law school transcript (unofficial is acceptable) by e-mail to Michelle Baird-Johnson, Director of Recruiting and Professional Development, at MNRecruiting@millernash.com. For recordkeeping, please include the ad source in the subject line of your e-mail (e.g., OSB ad, firm website).

MNG&D is an equal opportunity employer committed to diversity in the workplace.

#### Partner-Level Creditors' Rights Attorney (Portland)

Miller Nash Graham & Dunn (MNG&D) is seeking a full-time attorney with at least 12 years of significant experience in commercial loan workouts and restructurings, secured transactions, and commercial finance to join its Portland, Oregon, office. Experience with bankruptcy, receivership, and other insolvency proceedings a plus but not required. Strong academic credentials and analytical ability required.

To apply, please submit a cover letter, resume, and law school transcript (unofficial is acceptable) by e-mail to Michelle Baird-Johnson, Director of Recruiting and Professional Development, at MNRecruiting@millernash.com. For recordkeeping, please include the ad source in the subject line of your e-mail (e.g., OSB ad, firm website).

MNG&D is an equal opportunity employer committed to diversity in the workplace.

#### Intellectual Property Attorney

Dunn Carney is seeking an intellectual property attorney with at least 5 years of experience. The successful candidate will have extensive experience with technology agreements, licensing, and other IP issues, as well as experience handling corporate and transactional matters. A portable book of business is preferred and admission to the Oregon State Bar is required. We welcome qualified applicants to submit a cover letter and resume to our HR Director, Donna Moser, at dmoser@dunn-carney.com, and to visit our website at www.dunn-carney.com.

#### Litigation Associate Attorney

Jackson Lewis P.C. is a nationwide law firm dedicated to representing management exclusively in workplace law and related litigation. With 55 offices and over 800 attorneys, Jackson Lewis is seeking a Litigation Associate Attorney for the Portland, Oregon office.

#### Duties and Responsibilities:

- Handle employment related claims in litigation and before state and federal enforcement agencies
- Provide advice and counsel to employers on a wide range of employment laws and regulations
- Effectively and persuasively write briefs and motions for the benefit of our clients
- Cultivate productive and effective relationships with clients
- Argue decisively at court hearings
- Conduct fact gathering and advantageous depositions
- Defend properly prepared client representatives at deposition

#### Skills and Educational Requirements:

- J.D. from an accredited law school
- 2-6 years of relevant experience, preferably in employment defense litigation
- Oregon Bar Admission with "active" status required
- Attention to detail and ability to multi-task in a fast-paced environment
- Strong organizational, time management, and project management skills
- Excellent written and oral communication skills
- Ability to work in a highly collaborative, team environment
- Outstanding academic credentials

This is a general description of the Duties, Responsibilities and Qualifications required for this position. Physical, mental, sensory or environmental demands may be referenced in an attempt to communicate the manner in which this position traditionally is performed.

## The Business of Practicing Law

by Drew Baumchen and Julie Vacura  
MBA Solo and Small Firm Committee

While the practice of law is a profession, every law practice is also a business. Having a vision for your firm and creating a business plan tailored to that vision will provide helpful insight into your own values and priorities, and how to grow and sustain your law practice.

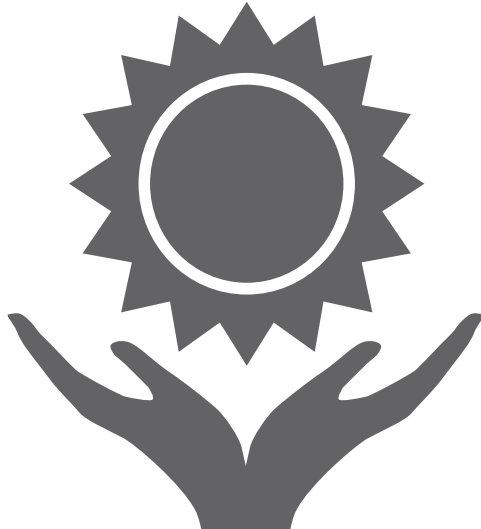
Think of developing a vision for your practice as setting the goal and the business plan as the roadmap to get there. For instance, do you aspire to build a medium sized firm with a large client base, or is your goal to stay solo or small and focus on a few particular types of cases or clients? Setting goals for your practice is a great way to reflect

on what is most important to you as an attorney, and developing a business plan around those goals will help you think realistically about how to make your aspirations come true.

Spending time up front on a vision and developing a plan to make that vision a reality will save you time, money and mistakes down the road. For example, if your goal is to continue in your practice area but increase your income by 50 percent, how will you do that? And, if you increase your income as a result of more work, will you need an associate or partner? Have you thought about whether your practice would benefit from

marketing? Thinking about your firm's practice and marketing needs, and incorporating a marketing strategy into your business plan can help ensure the flow of legal work that your practice needs to thrive.

The MBA Solo and Small Firm Committee will be presenting an afternoon workshop on March 8 where **Courtney Angeli, Andrew Altschul**, both of Buchanan Angeli Altschul & Sullivan, and **Chris Kayer**, of Larkins Vacura Kayser, will discuss these issues and various approaches that firms have taken. You will hear about specific strategies for specific goals, what is realistic, whether a business plan is even necessary for some practices and how plans can be implemented. Following the workshop, the committee will host a social hour with drinks and light hors d'oeuvres. To register, visit [www.mbabar.org](http://www.mbabar.org).



**Oregon Lawyer Assistance Foundation**  
Helping lawyers in need receive addiction and mental health treatment

An OLAF grant or loan allows a lawyer who is suffering with treatable mental health or addiction issues get his or her life back.

When you help another lawyer, you help the profession and the public we serve.

Give now.



Whenever necessary to provide individuals with disabilities an equal employment opportunity, the Firm will consider reasonable accommodations that might involve varying job requirements and/or changing the way this job is performed, provided that such accommodations do not pose an undue hardship.

Jackson Lewis is an Equal Opportunity Employer encouraging diversity in the workplace. All qualified applicants will receive consideration for employment without regard to race, national origin, gender, age, religion, disability, sexual orientation, veteran status, marital status or any other characteristic protected by law.

Please submit a resume, cover letter and writing sample to [Martha.Tanner@jacksonlewis.com](mailto:Martha.Tanner@jacksonlewis.com).

#### Civil Litigation Attorney

Gordon & Rees Scully Mansukhani LLP, one of the largest and fastest growing US law firms, has an immediate opening for an attorney to join the civil litigation practice group in our Portland, Oregon office. Experience preferred including:

- 3-7 years litigation experience; including

depositions, motion practice, and oral argument,

- Tort, product liability, employment law, and commercial litigation experience,
- Admission to practice in both OR and WA, and
- Excellent references and academic credentials.

We offer a friendly business-casual environment with competitive salaries and a comprehensive benefits package. Qualified candidates should submit a resume, cover letter, writing sample, and references to [chawk@gordonrees.com](mailto:chawk@gordonrees.com).

Gordon & Rees Scully Mansukhani is an equal employment opportunity employer with a nationally recognized commitment to diversity.

#### Family Law Attorney

Buckley Law P.C. is a Pacific Northwest law firm located in Lake Oswego dedicated to helping our clients achieve success in their personal and professional lives. We provide a full range of transactional and litigation services while delivering an exceptional client experience.

We are adding to one of our Family Law teams and looking for a Family Law Attorney. This associate will support a Partner with a broad range of Family Law matters and is supported by a Paralegal.

The ideal candidate will have:

- 4+ years of family law experience, ideally with experience in Clackamas, Washington, and Multnomah Counties
- An ability to prioritize multiple, concurrent matters and activities
- An ability to work well with different management styles
- Desire to learn and continuously improve skills and abilities
- An ability to take direction, process information, think through outcomes
- Willingness to take on tough assignments and be resourceful
- High attentiveness to detail and thoroughness in work activities

To apply for immediate consideration, please send a resume to [resumes@buckley-law.com](mailto:resumes@buckley-law.com) with a cover letter and your current and targeted compensation range.

**WILSON**

Dispute Resolution

Mediation & Arbitration  
[www.wilsonadr.com](http://www.wilsonadr.com)

*Experienced, Dedicated, Fair*

**O.M. "Met" Wilson**  
503.972.5090  
met@wilsonadr.com



## Fire Loss Claims?


- 18 years experience as a General Contractor.
- Experienced fire and casualty insurance adjuster.
- Available to represent the insured party in maximizing recovery from the insurer.
- Fees contingent on increased recovery.



**Millard & Bragg**  
Attorneys at Law, PC

**503-305-7806**  
419 5th Street Oregon City, OR 97045  
[www.millardlaw.com](http://www.millardlaw.com)

Admitted to Practice in Oregon and Washington



Dwyer  
Mediation  
& Law

**Michael Dwyer**

- 2017 Family Law Mediation **Lawyer of the Year** for Portland
- 2015 Family Law Mediation **Lawyer of the Year** for Portland
- **Best Lawyers of America**

[www.dwyermediate.com](http://www.dwyermediate.com) | 503-241-9456



**DAN GILROY DESIGN**

*Websites for Lawyers*



Proudly serving members of the  
Multnomah Bar since 2004

**WEB | MOBILE | PRINT | BRANDING**  
[dangilroy.com](http://dangilroy.com) | 503.754.8167

## Welcome Our New Partners



Joel Overlund      Sarah Bond      Wendy Fay

Please join us in congratulating these three exceptional attorneys as they step into a new role as partners in the firm.

**ZIMMER, BOND, FAY & OVERLUND LLC**

FAMILY LAW  
 Divorce, Legal Separation, Annulment, Property Division,  
 Child Custody, Child Support, Spousal Support, Premarital  
 and Cohabitation Agreements

p: 503.295.6191 f: 503.294.0108 [www.ZimmerFamilyLaw.com](http://www.ZimmerFamilyLaw.com)

# LAWPAY

THE WAY ATTORNEYS GET PAID

**mba** Multnomah Bar Association

Proud Member  
Benefit Provider



1.95% & 20¢ per transaction | No swipe required | No equipment needed | \$5-\$20 monthly

**The proven payment solution for lawyers.**

Managing payments and growing revenue for over 30,000 law firms in the US, LawPay is the only solution recognized by the ABA. Designed specifically for the legal industry, LawPay guarantees complete separation of earned and unearned fees, giving you the confidence and peace of mind your credit card transactions are handled the right way.

LINEARNED

EARNED

Trust Account  
Compliant



TRUST



OPERATING

[LawPay.com/MBABar](http://LawPay.com/MBABar) | 866.376.0950


LawPay is a registered ISO/MSP of BMO Harris Bank, N.A., Chicago, IL

**HB HARRIS | BRICKEN**  
 is pleased to announce that  
**JOHN MANSFIELD**  
 formerly of MansfieldLaw and Schwabe, Williamson & Wyatt

has joined our Portland office.  
 John will continue to represent clients in domestic and international intellectual property litigation and business.



503.207.7313 • john@harrisbricken.com  
 121 SW Morrison St., Ste 400 • Portland, Oregon 97204




THE ART of LITIGATION

MOVE NOT UNLESS YOU SEE AN  
**ADVANTAGE**

**LVK**  
 LARKINS | VACURA | KAYSER

TRIAL ATTORNEYS SKILLED IN BUSINESS, REAL ESTATE, AND ENVIRONMENTAL DISPUTES.  
 503-222-4424 | LVKLAW.COM




(503) 220-0717  
 ckent@kentlaw.com

**Chris Kent**  
 MEDIATION & ARBITRATION

*Chris Kent and Leslie Johnson have accumulated 50 years of diverse trial, arbitration and dispute resolution experience for plaintiffs and defendants on a variety of cases.*

**Chris is now available for private neutral engagements, as well as service for AAA Commercial Cases, Arbitration Service of Portland, PMAR and FINRA.**

Kent & Johnson, LLP  
 attorneys at law

**NEW LOCATION**  
 205 SE Spokane St. Ste 300  
 Portland, Oregon 97202  
 www.kentlaw.com

**Samuels Yoelin Kantor LLP**  
 Attorneys At Law

With the new year, Samuels Yoelin Kantor welcomes new members to the family

Samuels Yoelin Kantor is pleased to announce Anastasia Yu Meisner has joined the firm as "Of Counsel" and Laura S. Nelson as the firm's newest Associate.

Ms. Meisner's practice focuses are estate planning, probate, trust and estate administration, guardian and conservatorships, as well as business, nonprofits and mediation.

Ms. Nelson also brings substantial experience in the areas of estate planning, probate and trust administration, and guardianships to the firm.

For 90 years, our family of lawyers has helped generations of families with their personal and business legal needs.



*Samuels Yoelin Kantor welcomes new associate Laura S. Nelson; and Anastasia Yu Meisner, who joins the firm as "Of Counsel."*

Partnering with businesses, entrepreneurs & families to ensure success since 1927.  
 111 S.W. 5th Avenue | Suite 3800 | Portland, OR 97204 | 503.226.2966  
 116 3rd Street | Suite 211 | Hood River, OR 97031 | 541.436.0777  
 SamuelsLaw.com | WealthLawBlog.com

1927-2017

*Celebrating 30 years*

We thank our sweet clients for letting us keep the record straight.



**LNS COURT REPORTING & LEGAL VIDEO**  
 Witness the Difference.  
 503-299-6200/800-366-6201  
 LNScourtreporting.com

**RENT TO OWN**  
 original works of art for your home or office

**CHOOSE FROM OREGON'S LARGEST SELECTION OF LOCAL ARTISTS IN ONE PLACE**

- More than 200 artists
- Nearly 2,000 works of art in various mediums

**RENTAL SALES GALLERY**  
 TUES - SAT 10 A.M. - 5 P.M.  
 SUN NOON - 4 P.M.  
 1257 SW 10th Avenue  
 rentalsales@pam.org

Search the collection at  
 portlandartmuseum.org

## THOMAS W. BROWN

### ARBITRATION | MEDIATION

- Approved arbitrator for Arbitration Service of Portland
- Approved mediator for Oregon Court of Appeals Settlement Conference Program
- Member OSB Alternative Dispute Resolution Section, Executive Committee
- 2015/2017 Best Lawyers' Portland, Insurance Law, "Lawyer of the Year"
- 2014 Best Lawyers' Portland, Appellate, "Lawyer of the Year"

*Respected, Resourceful, Reasonable*



COSGRAVE VERGEER KESTER LLP  
Attorneys

cosgravelaw.com • 503-323-9000  
500 Pioneer Tower • 888 SW Fifth Avenue • Portland, OR 97204

Hon. Frank Bearden

Rich Busse

Jane Clark

Hon. Mary Deits

Arin Dunn

Hon. Barbara Johnson

Hon. James Ladley

Barry Mount

Daniel O'Leary

Hon. John Skimas

Hon. Lyle Velure

Hon. William Riggs

Hon. G. VanHooissen

Hon. Janice Wilson



When you need experienced  
Mediators and Arbitrators

phone: 503-223-2671  
email: [sclink@adr.supportservices.com](mailto:sclink@adr.supportservices.com)  
web: [adr.supportservices.com](http://adr.supportservices.com)

## WILLIAMS KASTNER™ GREENE & MARKLEY



**“A COMBINATION LIKE NO OTHER”**

BEGINNING JANUARY 1, 2017,

**GREENE & MARKLEY WILL JOIN FORCES  
WITH PREMIER PACIFIC NORTHWEST  
FIRM WILLIAMS KASTNER.**



The combined firm will strengthen the experience and reputation both firms have enjoyed for many years. The firm will be known as Williams Kastner Greene & Markley in Oregon, and as Williams Kastner in Washington and Alaska.

1515 SW Fifth Avenue  
Suite 600  
Portland, OR 97201  
Phone: 503.228.7967

### MBF Campaign

*Continued from page 2*

#### FAN \$100 - \$499 (continued)

Loree A. Devery  
Christy A. Doornink  
Paul R. Duden  
Hon. Robert D. Durham *In Memory of Marc D. Blackman*  
Hon. Robert D. Durham *In Memory of Hon. Richard L. Unis*  
Hon. Julie E. Frantz *In Memory of Marc Blackman*  
Ghandour Law LLC  
Hon. Michael A. Greenlick  
Hon. Marco Hernandez  
Akira Heshiki  
Hodgkinson Street Mephram LLC  
Holly L. and Marc A. Johnston  
Johnston Law Firm LLC  
Hon. Henry Kantor  
Lissa K. Kaufman  
Bradley Krupicka  
Steve D. Larson  
Jeffrey S. Matthews  
Lynn T. Nagasako  
Melvin Oden-Orr  
Steven R. Powers  
Traci R. and Sean P. Ray  
Timothy J. Resch  
Hon. Ellen F. Rosenblum  
Sarah J. Ryan  
Dana S. Scheele  
Daniel Snyder  
Marshal P. Spector  
Bob Steringer  
Stewart Sokol & Larkin LLC  
Evans W. Van Buren Jr.  
Vangelisti Law Firm LLC  
Mark R. Wada  
Jennifer A. Wagner  
Jovita T. Wang  
Robert C. Weaver  
Elizabeth E. Welch, Attorney at Law  
Wihtol Family Charitable Fund  
Hon. Janice Wilson  
Hon. John A. Wittmayer  
Wyse Kadish LLP